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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,994	10/05/2001	Joong- Hyun Mun	06192.0204.NPUS00	3599

22930 7590 12/20/2002

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EXAMINER

DI GRAZIO, JEANNE A

ART UNIT PAPER NUMBER

2871

DATE MAILED: 12/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/970,994

Applicant(s)

MUN ET AL.

Examiner

Jeanne A. Di Grazio

Art Unit

2871

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

Art Unit: 2871

DETAILED ACTION

Priority

Priority to Korean Patent Application No. 2001-01791, January 12, 2001.

Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claim 8 is rejected under 35 U.S.C. 102(a) as being anticipated by Song et al. (EP 1 091 238 A2). See Figures 8(a), 8(b), and 8(c) of Song.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-7 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-7 of copending Application No. 09/928,349 in view of Song et al. (EP 1 091 238 A2).

This is a provisional obviousness-type double patenting rejection.

Per claim 1: '349 claim 1 recites all of the elements of Applicant's claim 1 except that '349 does not appear to have center portions of the first and second aperture pattern substantially straight. However, Song does have first and second openings each having a middle linear portion (P. 4, Line 6 and Ref. Item 121 in Fig. 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify '349 in view of Song for a fast response speed, to prevent after images with respect to a moving picture, and for a wide viewing angle.

Per claim 2: '349 claim 2 (and Song claim 2) recites the elements as Applicant's claim 2. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include these elements to minimize variations in brightness while enhancing picture quality.

Per claim 3: '349 claim 3 (and Song claim 3) recites the same elements of Applicant's claim 3. To "proceed slantingly" means the same as to "form an oblique angle." It would have been obvious to one of ordinary skill in the art at the time the invention was made to include these elements to prevent disclination.

Per claim 4: '349 claim 4 (and Song claim 4) recites the same elements of Applicant's claim 4. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include these elements to prevent disclination.

Per claim 5: '349 claim 5 (and Song claim 5) recites the same elements of Applicant's claim 5. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include these elements for fast response speed, prevent after images, and for a wider viewing angle.

Per claim 6: '349 claim 6 (and Song claim 6) recites similar elements to Applicant's claim 6. The first direction "is formed uniformly with one edge of the pixel electrodes" is the same as "the first direction proceeds parallel." That which is parallel can mean that which is uniform. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the recited elements to prevent disclination, obtain a wide viewing angle, obtain a faster response speed, and prevent after images.

Per claim 7: '349 claim 7 recites the same elements as Applicant's claim 7. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the recited elements for wide viewing angle, prevention of after images, and fast response speed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeanne A. Di Grazio whose telephone number is (703)305-7009. The examiner can normally be reached on M-F.

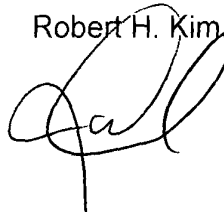
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim can be reached on (703) 305-3492. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-8741 for regular communications and (703)746-8741 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

Jeanne Andrea Di Grazio

JDG
December 13, 2002

Robert H. Kim, SPE

A handwritten signature in black ink, appearing to read 'J. Dudek', with a stylized, looping structure.

**JAMES DUDEK
PRIMARY EXAMINER**